

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd Floor, WEST TOWER
WASHINGTON, DC 20005**

NOTICE OF FINAL RULEMAKING

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION INTO
THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND
PROCEDURE**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,¹ of its final rulemaking action taken in the above-captioned proceeding.

2. On May 19, 2006, the Commission gave notice of its final rulemaking action to modify Chapter 13 of Title 15 District of Columbia Municipal Regulations, "Rules Implementing the Public Utilities Reimbursement Fee Act of 1980 ("Chapter 13"), adopting an assessment formula and regulations for the operating budget assessments of the Commission and the Office of the People's Counsel ("OPC").² On August 4, 2006, the Commission issued a notice of proposed rulemaking, noticing its intent to adopt clarifying changes to remove any ambiguity in the assessment formula.³ The changes did not alter the substance of the final rules or how the Commission proposes to assess for OPC's and the Commission's operating budgets. No comments were submitted in response to the NOPR.

3. The following amendments to Chapter 13 will become effective upon the date of publication of this Notice of Final Rulemaking in the *D.C. Register*:

1301.1 Each public utility, competitive electric supplier, competitive natural gas supplier, and competitive local exchange carrier ("CLEC") shall be assessed according to D.C. Code Section 34-912(b) for the reimbursable budgets of the Commission and the People's Counsel in the following manner:

(a) For CLECs, competitive electric suppliers, and competitive natural gas suppliers (collectively "alternative providers"), the

¹ D. C. Official Code § 2-505.

² 53 *D.C. Register* 4141-4144 (May 19, 2006).

³ 53 *D.C. Register* 6373-6375 (August 4, 2006).

assessments shall be equal to the ratio of the alternative provider's calendar year gross revenues to the sum of the calendar year gross revenues of all public utilities and all alternative providers times the budgets of the Commission and OPC. This calculation is subject to any adjustment pursuant to subsection (c).

- (b) For public utilities, the assessment shall be the utility's proportionate share of the calendar year gross revenues of all public utilities times the budgets of the Commission and OPC less the amount to be reimbursed by the alternative providers in subsection (a).
- (c) In any year in which there is a first year CLEC(s) providing local service, the CLEC(s) shall be assessed twenty-five thousand dollars (\$25,000) pursuant to D.C. Code § 34-912(b)(4). The \$25,000 assessment shall be allocated equally between the operating budgets of the Commission and OPC. For purposes of the calculations in subsection (a), the first-year CLEC(s) total revenues shall be deducted from the total gross revenues of all companies and the total amounts to be assessed for the Commission's and OPC's budgets shall be reduced by the amount of assessment to the first year CLEC(s).